

### **REMARKS**

This response is in reply to the Notice of Non-Complaint Amendment dated 5/13/08, the final Office Action mailed 7/26/2007, and the Request for Continued Examination (RCE) filed 1/28/2008.

Applicant is appreciative of the courteous and professional Examiner interview of 01/23/2008, and are further appreciative of the Examiner for providing clarification language for the claims presented herewith in this RCE. As per the Examiner's suggestions, clarifying language has been incorporated in the newly presented claims. No new matter has been added via the current amendment.

Reconsideration of this application is respectfully requested in view of this response.

### **STATUS OF CLAIMS**

Claims 1-30 are pending.

Claims 5 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams (USPA 2002/0178442 A1) in view of Official Notice.

Claims 1-30 are hereby cancelled.

Claims 31-52 are newly added.

**REJECTIONS UNDER 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> Paragraphs**

Previously pending claims 5 and 20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Previously pending claims 1-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims presented in the RCE filed concurrently herewith remedy this via clarifying amendments.

Specifically, the ambiguity between the terms “location” and “locale” were objected to in the previous office action. As mentioned in the Examiner interview of 01/23/2008, Applicant has clarified this ambiguity by consistently using the term “locale” throughout the claims presented in the RCE.

Also, as pointed out in the Examiner interview of 01/23/2008, the ambiguity with respect to “locale data” has been clarified by reciting the feature of receiving locale designations from consumers comprising zip codes or metropolitan area designations.

In light of the above-mentioned clarifying language presented via this amendment, Applicant respectfully requests the Examiner to refrain from issuing a 35 U.S.C. § 112 rejection with respect to the newly added claims.

**REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams (USPA 2002/0178442 A1) in view of Official Notice. Claims 1-30 have been cancelled via the current RCE. Claims 31-52 have been newly added via the current RCE. Applicant respectfully asserts, as was argued in the Examiner interview of 01/23/2008, that the newly added claims 31-52 cannot be rendered obvious by the Williams reference.

Williams merely discloses a method for creating an interactive television show that incorporates audience feedback, wherein such feedback is used to select content, (i.e., the script of an upcoming show). Selected inputs include e-mail, as well as telephone and telecopy with these inputs influencing various levels of the script of upcoming episodes. Williams does not teach or suggest a method or system for selecting a location for putting on an entertainment event attended by consumers, in person. Williams is directed towards television, a medium largely independent of the geographic locales of individual audience members. Her system cannot be adapted or modified to select locales for presentation of audience-attended events. One of ordinary skill in the art would not be motivated to look towards a dynamic television scripting concept as a source for a demand measurement system the utility of which is market intelligence for the geographic placement of audience-attended events as the two concepts are so disparate in nature.

Applicant is appreciative of the Examiner for recommending non-limiting and clarifying language during the Examiner interview of 01/23/2008, wherein such recommendations have been incorporated in the newly added claims without adding new matter.

Specifically, Applicant's newly added independent claim 31 teaches a method of collecting expressions of individual consumer demand for attending entertainment events and making the data available to users to support user decisions regarding geographic placement of entertainment events. As per claim 31, in one embodiment, Applicant's method teaches the features of receiving consumer demand data from individual consumers through an electronic network, the consumer demand data comprising individual consumer requests indicating an individual consumer's desire to attend, in the consumer's general locale, one or more specifically identified entertainment events, housing collected individual consumer requests in a computer database, generating entertainment event demand data compiled by aggregating individual consumer requests, and displaying entertainment event demand data from the computer database, wherein said displayed entertainment event demand data is used to determine at least one geographic locale for presentation of an entertainment event based on a relative number of requests received from consumers desirous to attend a specifically identified event in one or more geographic locales.

Also, Applicant's newly added independent claim 39 teaches a system for collecting expressions of individual consumer demand for attending entertainment events and making the data available to users to support user decisions regarding geographic placement of entertainment events. According to the embodiment of claim 39, the system comprises: an electronic network for receiving consumer demand data from individual consumers comprising requests indicating an individual consumer's desire to attend, in the consumer's general locale, one or more specifically identified entertainment events; a computer database for housing collected individual consumer requests for entertainment events; a computer system, coupled to

the computer database and the electronic network, for generating entertainment event demand data compiled by aggregating individual consumer demand requests; and said computer system transmitting entertainment event demand data from the computer database, wherein said transmitted entertainment event demand data is used to determine at least one geographic locale for presentation of an entertainment event based on a relative number of requests received from consumers desirous to attend a specifically identified event in one or more geographic locales.

Also, Applicant's newly added independent claim 47 teaches a method of collecting expressions of individual consumer demand for attending entertainment events comprising the steps of: receiving consumer requests representing consumer demand data from individual consumers over an electronic network, said consumer requests indicating an individual consumer's desire to attend one or more specifically identified entertainment events, said consumer requests gathered via electronic forms presented to a consumer; housing collected individual consumer requests in a computer database, generating entertainment event demand data compiled by aggregating individual consumer requests, and displaying entertainment event demand data from the computer database, wherein said displayed entertainment event demand data is used to determine at least one geographic locale for presentation of an entertainment event based on a relative number of requests received from consumers desirous to attend a specifically identified event in one or more geographic locales.

The newly added independent claims have been clarified to more clearly distinguish over Williams by emphasizing that the present invention is directed towards a system and method for selecting the geographic locales for audience-attended events. As such, the claims, as presented in

the current RCE are clearly distinguishable over Williams as the Williams reference fails to teach many of the features of the independent claims.

Applicant is once again appreciative of the Examiner's efforts to assist in providing the clarifying language that have been incorporated into the newly added claims of the current RCE. If it is felt that another interview would expedite prosecution of this application, Applicant encourages the Examiner to contact Applicant's representative at the number provided at the end of this document.

**SUMMARY**

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of Applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

Applicant previously paid, on 12/26/2007, for an extension of time of THREE (3) months to extend the time for responding until 1/26/2008. This response is being timely filed on the next business day following the Saturday of 1/26/2008, therefore no additional fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 50-4098.

Respectfully submitted,

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